

FILED

March 10 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 06-0544

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*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
ORDER

IN RE PETITION FOR REINSTATEMENT TO THE  
STATE BAR OF MONTANA.

Before this Court is the Petition for Reinstatement filed by Chris J. Nelson (Nelson) on December 4, 2009. Nelson was placed on inactive status on June 27, 2008, for failure to comply with CLE requirements. Petitioner's petition did not state whether he is current in his CLE requirements, but has he subsequently filed an affidavit with the State Bar of Montana (Bar) showing that he is compliant. Nelson's petition also disclosed that he is under investigation by the Office of Disciplinary Counsel (ODC) for having entered a municipal court appearance while he was "suspended."

Accordingly, we ordered ODC to file a brief status report on his investigation. ODC's status report was filed on December 30, 2009, and states that, in addition to the current disciplinary proceeding (ODC File No. 09-0194) for the aforementioned appearance in Billings Municipal Court, ODC has ascertained that not only was Nelson placed on inactive status on June 27, 2008, for noncompliance with CLE requirements, Nelson was also administratively suspended by the Bar on or about July 3, 2008, for nonpayment of dues. Although Nelson paid his arrearages in November 2009, ODC states that he has found five other cases in which Nelson appeared in Montana courts while ineligible to practice law, all in violation of M.R.P.C. 5.5. ODC stated that he intended to submit this matter to a review panel of the Commission on Practice on January 21, 2010.

On January 12, 2010, we entered our Order further deferring Nelson's Petition for Reinstatement and ordering ODC to file a status report as to the further progress of his investigation. ODC filed his second status report on February 26, 2010, stating that Nelson was considering a Rule 26 conditional admission prior to ODC filing a formal complaint, and that Nelson would be providing ODC with certain requested additional information on or before March 5, 2009.


Again, in view of the foregoing pending disciplinary proceedings, we conclude that it is appropriate to defer further action on Nelson's Petition for Reinstatement until these disciplinary proceedings are resolved. Therefore,

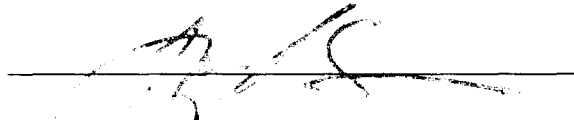
IT IS ORDERED that Nelson's Petition for Reinstatement will be held in abeyance pending further order of this Court.

IT IS FURTHER ORDERED that ODC will submit a brief status report on this matter within 30 days of the date of this Order or resolution of this matter, whichever shall first occur.

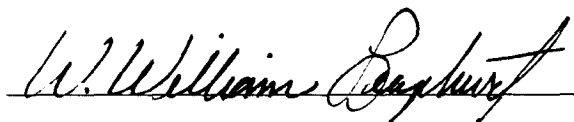
The Clerk of this Court is directed to give notice of this Order to Nelson, to his counsel Robert L. Stephens, Jr., and to ODC.

Dated this 9th day of March, 2010.

  
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Chief Justice

  
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Patricia Cotte

  
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Michael W. Ward

  
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William B. Bepko

*[Signature]*  
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Justices